

**IHSS Stakeholders Meeting
Regulations Development**
Meeting Minutes
June 24, 2005

MEETING ATTENDEES

- See Attachment A

DOCUMENT HANDOUTS

In-Home Supportive Services (IHSS) stakeholders meeting participants were provided with the following documents upon arrival:

- Meeting Agenda
- Six-Month Work Plan
- Draft Regulations for IHSS in the Workplace
- Draft Regulations for the IHSS Plus Waiver Program Definition and Eligibility Criteria
- Draft Regulations for Quality Assurance Variable Assessments
- Draft Regulations for Protective Supervision Form
- Draft Regulations for State and County Quality Assurance Process

OPENING REMARKS/AGENDA REVIEW

Meeting Co-Chaired by Eileen Carroll (California Department of Social Services (CDSS) Adult Programs Operations Bureau Chief) and Janice Lindsey (San Bernardino County Social Services, Specialty Services Division Manager for IHSS, Adult Protective Services (APS) and Older Adult Mental Health).

Eileen Carroll welcomed everyone and reviewed the workgroup process to date. Janice Lindsay expressed gratification over the progress made thus far. In addition, Eileen informed the workgroup members that the next meeting would be September 9, 2005 at the Sacramento County Office.

Eileen reviewed the agenda, outlining the three main objectives of the meeting. She informed the workgroup members that they would have a chance to give input to the three subcommittees during the workgroup and after the meeting in follow-up subcommittee meetings and correspondence. The agenda items for the meeting were presented as follows:

- The workgroup will review the six-month work plan and adjust any priorities accordingly.

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- The Overall IHSS Regulations subcommittee will present their current draft version of the IHSS in the Workplace regulation package for comments from the workgroup.
- The IHSS Plus Waiver subcommittee will present their current draft regulations to the workgroup for comments and questions. The current draft regulations for the IHSS Plus Waiver cover the eligibility criteria and the definition of the IHSS Plus Waiver.
- The Quality Assurance subcommittee will present the draft regulations which incorporate input provided by the various Quality Assurance workgroups and address variable assessments (18 month assessments), protective supervision and the state/county quality assurance processes.

DISCUSSION

Six-Month Work Plan

Eileen discussed the workgroup's six-month work plan identifying the priorities for each subcommittee and the timeline for submitting regulations to CDSS' Office of Regulation Development. After questions and comments, it was agreed that the workgroup is on target to meet the priorities for the developing regulations. Workgroup participants re-affirmed the updates and the priorities set forth in the six-month developing work plan.

Overall IHSS Regulations

Charissa Miguelino, CDSS Policy Development Unit Manager, and Martha Eszlinger, CDSS Policy Development Unit Analyst, presented the draft regulations for the Overall IHSS Regulation subcommittee. The subcommittee's draft regulations address an IHSS recipient transferring their service hours to their workplace.

A majority of the comments from the workgroup focused on what services an IHSS recipient will receive in the workplace and how the Americans with Disabilities Act (ADA) impacts the services provided. In addressing these comments, the subcommittee reiterated the fact that recipients can only transfer services to the workplace that have been previously authorized for them to receive in the home. Transferring services to the workplace does not make the recipient eligible for additional services. A list of the comments provided by the workgroup can be found in Attachment B.

After addressing the workgroup's questions and comments, the subcommittee provided Martha Eszlinger as the contact person if the workgroup participants had any further

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comments to share. Her email is Martha.Eszlinger@dss.ca.gov and the fax number is (916) 229-3160.

IHSS Plus Waiver Regulations

Jan Howland, CDSS IHSS Waiver Unit Manager, and Janice Lindsey presented the draft regulations developed by the IHSS Plus Waiver subcommittee. The draft regulations address the issue of program definition and eligibility criteria. The workgroup members provided limited feedback to the subcommittee, which can be found in Attachment B under the section "IHSS Plus Waiver Regulations." In addition, if the workgroup has any future concerns or comments, the subcommittee provided Jennifer Ruoff as the contact person. Her email is Jennifer.Ruoff@dss.ca.gov and the fax number is (916) 229-3155.

Quality Assurance Regulations

Brian Koepp, CDSS Quality Assurance Bureau Chief, and Jeannie Smalley, CDSS Quality Assurance Monitoring Unit Manager, presented draft regulations for the Quality Assurance subcommittee. The draft regulations include amending Manual of Policy and Procedures (MPP) Sections 30-757 to address the protective supervision form required by SB 1104 and amending MPP Section 30-761 to extend reassessments up to 18 months.

Comments were made regarding the need for the subcommittee to address a level of reassessment beyond that which was proposed in the variable assessment regulations, suggesting other situations that the social workers should be required to complete a reassessment. While the subcommittee committed to researching other situations beyond the requirements of SB 1104 for completing assessments, the subcommittee reminded the workgroup that the proposed regulations allow the county the option to extend the reassessment up to 18 months.

During the last part of the Quality Assurance Regulations presentation, the subcommittee presented draft regulations that establish quality assurance procedures/functions for the State and the counties. The quality assurance functions include the county conducting visits to recipient's homes, while the state would follow up with a review of select cases to ensure the counties have consistently maintained the appropriate procedures.

A list of the concerns expressed during the presentation of the Quality Assurance Regulations is provided in Attachment B. For any future comments the workgroup may have on the Quality Assurance Regulations, the subcommittee provided Julie Lopes, Quality Assurance Monitoring Unit Manager, as the contact person. Her email is Julie.Lopes@dss.ca.gov and the fax number is (916) 229-3160.

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WRAP UP AND NEXT MEETING

Eileen and Janet outlined the workgroup and subcommittee process between June and September. Additionally all final products and any new subcommittee products would be presented and discussed at the next workgroup meeting.

The next workgroup meeting is scheduled for September 9, 2005, at the Sacramento County Health and Human Services Building. For information on this workgroup meeting or future workgroup meetings, the workgroup participants should contact Suzie Nicholls-King by telephone at (916) 229-0345 or by e-mail at Suzanne.Nicholls-King@dss.ca.gov.

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Attachment A

Attendees:

Avalino, Cindy	Monterey County
Baughman, Tom	Butte County
Benson, Bob	California CDCAD
Bodily, Mary	RIL Sonoma County
Carroll, Eileen	CDSS
Celestine, Deborah	Alameda County
Cole, Michael	CDSS
Corder, Janis	San Joaquin County
Crockett, Terri	San Joaquin County
Dimanchkie, Mack	DHS
Duchen, Wendy	SEIU Local 434B
Eszlinger, Martha	CDSS
Fiala, Kevin	CDSS
Field, Ken	Shasta County Public Authority
Forbes, Cyndee	Sacramento County
Ford, Rachel	CA Coalition of Crime & Disability
Gonzales, Desi	CDSS
Griffin, Judy	Placer County
Hindsman, Wayman	CDSS
Howland, Jan	CDSS
Iriarte, Maria	PAI
January, Debra	DHS
Johnson, Jeannette	Sacramento County
Koepp, Brian	CDSS
Kubachi, Stan	Sacramento County DA
Lindsay, Janice	San Bernardino County
Martin, Ellen	UDW
Maurice, Ken	CDSS
McGee, Joni	None Given
McInturf, Melody	Sacramento County
Miguelino, Charissa	CDSS
Nicholls-King, Suzie	CDSS
Ng, Pamela	Sacramento County
Oddo, Jarrett	Sacramento County
Omoto, Marty	CDCAN
Osterhout, Ron	PASCLA
Partington, Vicki	DHS
Plascencia, Julia	SEIU 434B
Posehn, Jennifer	CDSS
Powell, Wendy	HSSW

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Attachment A

Attendees Continued:

Powmacwizalord, Stormaliza	Resource for Independent Living
Ruoff, Jennifer	CDSS
Schwendimann, Susan	Sacramento County
Schwartz, Kathleen	Sacramento County
Smalley, Jeannie	CDSS
Smith, Richey	PASCLA

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Attachment B

WORKGROUP COMMENTS:

The following are the comments provided by the workgroup members during the discussions by the three subcommittees. The list includes the comment and the subcommittee's response.

Overall IHSS Regulations Discussion

- Comment 1: Need to include reference to IHSS Plus Waiver recipients in the regulations.

Response: We will amend the draft regulations to include Waiver recipients.

- Comment 2: Is medical accompaniment an allowed service under IHSS in the Workplace?

Response: An amendment to the draft regulations to include medical accompaniment as an allowed service is consistent with IHSS program services.

- Comment 3: MPP Section 30-777.2 disagrees with MPP Section 30-777.31.

Response: We will review previous drafts to determine the intent of MPP Section 30-777.31 and change the regulations accordingly.

- Comment 4: In a situation where an employer is not providing services that are required under the ADA, would CDSS be responsible for ensuring that the employer complies with the ADA or would the IHSS recipient be responsible? The recipient will be in a tough spot if the recipient is required to ask the employer to require services under ADA.

Response: Since an IHSS recipient can only transfer hours for authorized services provided in the home, there will not be an issue with services that the employer should provide under the ADA. The subcommittee will accept follow up suggestions for regulation language to ensure IHSS providers understand what services are allowable in the workplace and which services should be provided by the employer.

- Comment 5: The MPP Sections 30-777.45, 30-777.451, 30-777.452 and 30-777.453 regarding what type of activities are related to obtaining employment, need clarification.

Response: IHSS recipients cannot use hours for services to gain training or education unless the training or education is for immediate employment. If the

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employer requires the IHSS recipient to attend a training class prior to employment, the IHSS recipient can use hours to pay for services to attend this training class. The IHSS recipient cannot use hours for vocational and educational training.

- Comment 6: What does a social worker do when the client calls and asks to transfer hours to the workplace?

Response: MPP Section 30-777.44 states the social worker does not need to do a separate assessment to transfer hours. MPP Section 30-777.72 provides the requirements that the social worker must follow in order to transfer a recipients hours to the workplace.

- Comment 7: Is there a section on the Form 293 to note the assessment for hours that are transferred to the workplace?

Response: We will review the form and revise as necessary.

- Comment 8: MPP Section 30-777.741 defines the case information that should be included, is the employer location important and should it be included?

Response: We will review the required information and include employer location if necessary.

- Comment 9: What do the letters I, E, L status that is referred to in MPP Section 30-777.741 mean?

Response: It is from the CMIPS system determination of eligibility; the acronym corresponds to: Interim, Eligible or Leave Status.

- Comment 10: If the recipient only needs a few hours off and on, how do you get someone to come out to the employer and provide the services?

Response: This type of intermittent service need and the impact to hourly workers does pose unique and challenging recruitment and hiring issues; however, these issues are not specific to the regulations for IHSS in the workplace.

IHSS Plus Waiver Regulations Discussion

- Comment 1: Should MPP Section 30-700.33 regarding the timeframe of the IHSS Plus Waiver, include “renewable”?

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Response: According to statute, DSS can apply for an extension of the IHSS Plus Waiver. We feel this is addressed by the proposed regulations and the addition of “renewable” is unnecessary.

- Comment 2: Looking at the language under the eligibility section (Handout reference: “ITEM No. 2, Section 30-7XX.12”) should you add cash linked info?

Response: We want to make sure we are capturing everyone eligible without losing any of the aged, blind and disabled population, thus regulations are not limited only to Medi-Cal Eligibility only.

Quality Assurance Regulations Discussion

- Comment 1: Should the proposed MPP Section 30-761.216 include both increase and decrease in services?

Response: No. If the need for supportive services increases, a reassessment is already required. This proposed change is only for a decrease in a need for supportive services within 12 months.

- Comment 2: What is the level of reassessment in the proposed regulation MPP Section 30-761.217?

Response: We will review what the level of reassessment is.

- Comment 3: Would post discharge be part of this draft?

Response: No, post discharge is not part of this draft. Post discharge is part of the regulations that should be addressed by the Overall IHSS Regulations subcommittee.

- Comment 4: Confused by what reassessment means; is it reassessment of hours? What is the social worker looking at during the reassessment? A social worker would do a full reassessment if they do not know the recipient. If they know a recipient they may not necessarily do a full reassessment.

Response: We need to look at this again. A reassessment is any assessment conducted after the initial assessment. Even if the reassessment is less than 12 months, it still would be considered a full reassessment. The subcommittee will clarify the proposed regulations to state that a social worker will do a full reassessment.

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- Comment 5: Where will the manpower to do a full reassessment come from? Social workers will not be able to keep up with current caseloads if he/she is conducting full assessments.

Response: Hopefully they'll be able to do the full reassessments. These regulations only state that counties have the option to do 18 month reassessments but counties can stick to 12 month reassessments if they choose to.

- Comment 6: Is MPP Section 30-761.213 assessment or reassessment correct?

Response: Will change to reassessment.

- Comment 7: There is a need to perform a face-to-face assessment when someone is discharged. The person will need additional services for a maximum of 6 weeks. Should there be a part (c) added to MPP Section 30-761.217 to reference someone going to the hospital?

Response: We are coordinating our work on this issue with the Olmstead Taskforce efforts. The Olmstead Taskforce is addressing the issue related to individuals who are discharged into the community and the services that should be provided to them to ensure they can live safely in their community.

- Comment 8: Is there an emergency authorization for existing or new IHSS recipients?

Response: This issue is deferred to the Overall IHSS Regulations subcommittee as it is not specific to Quality Assurance.

- Comment 9: Should change Section 30-757.171 (d) to include wording to clarify what protective supervision is. Include additional wording, such as "other than to protect the individual from injury, hazard or accident".

Response: This issue involves current regulations, thus we are deferring to the Overall IHSS Regulations subcommittee.

- Comment 10: Should change MPP Section 30-757.171 (a) to "24 hour a day care".

Response: We will make the change.

- Comment 11: Is "monitoring" the correct word to be added? Or are the providers suppose to be "observing," thus present and awake?

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Response: Current regulations use “monitoring” as a method of providing protective supervision even though an action as simple as a telephone call is considered monitoring. The subcommittee will look at more descriptive language to use instead of “monitoring”.

- Comment 12: Do the regulations need to state who fills out the “Assessment of Need for Protective Supervision” form listed under MPP Section 30-757.173 (a) (1)?

Response: The form states who is required to fill it out.

- Comment 13: Will members of the workgroup who are neither county nor state staff be able to take part in the meetings regarding State/County Quality Assurance procedures?

Response: Yes. The workgroup members can take part in the process until the regulations and procedures are complete. The regulation package for the State/County Quality Assurance procedures, defines the processes that are required for the State and counties, it does not exclude workgroup participants from providing input into the processes.